



UNITED STATES PATENT AND TRADEMARK OFFICE

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Paper No. 16

In re Application of
Pete Hesser
Application No. 09/729,556
Filed: December 4, 2000
Attorney Docket No. HF46/02

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: DECISION ON PETITION
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This is a decision on the petition filed on January 3, 2004 by which petitioner requests withdrawal of the examiner's holding that this application stands abandoned for failure as a result of petitioner's failure to file a corrected appeal brief, resulting in dismissal of the appeal. The petition is considered pursuant to 37 CFR 1.181, and no fee is required.

The petition is granted.

Petitioner alleges that this application is not abandoned because petitioner did not receive proper notification of that the examiner regarded the appeal brief filed on January 8, 2003 as being informal. Petitioner alleges that the letter dated April 2, 2003 regarding the infomormal nature appeal brief was not mailed to the proper correspondence address of record. A review of these allegations shows them to be correct. As the letter dated April 2, 2003 was not mailed to the correspondence address then of record, it is clear that this application is not abandoned for failure to file a response thereto.

Accordingly, the Notice of Abandonment is hereby vacated, the holding of abandonment is withdrawn, and the application is restored to pending status. The application is being forwarded to the Head Supervisory Applications Examiner to remail paper No. 9 to the correct correspondence address and to enter the substitute appeal brief filed on January 3, 2004 into the record as a reply to paper No. 9. Thereafter, the application will be forwarded to the Examiner for appropriate action.

PETITION GRANTED.

E. Rollins-Cross, Director
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